



Senegal

Country Reports on Human Rights Practices - [2001](#)

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Senegal is a moderately decentralized republic dominated by a strong presidency. In March 2000, opposition leader Abdoulaye Wade, backed by a coalition of opposition parties, became president in an election considered to be both free and fair and marred only by reports of sporadic pre-election violence and minor procedural irregularities. The post-election transition period was markedly free from violence and characterized by good conduct on the part of all candidates. In a January referendum, 94 percent of voters accepted the new Constitution, which abolished the Senate, a body that had no directly elected members. On April 29, President Wade's Sopi (Change) coalition, comprised of the Senegalese Democratic Party (PDS) and its allies, earned 49.6 percent of the votes cast and gained a majority of 89 of 120 seats in the National Assembly elections, which were unmarked by violence and judged to be free and fair. The Government continued to implement decentralized regional and local administrations. Sporadic fighting continued in the Casamance area in the southern part of the country between the Government and the secessionist Movement of Democratic Forces in the Casamance (MFDC). In March the Government and the MFDC signed two peace agreements designed to end the 20-year insurgency; however, these agreements have been ineffective and fighting continued in Casamance. Following a change in MFDC leadership in August, new talks were proposed but had not taken place by year's end. The Constitution provides for an independent judiciary; however, it is subject in practice to government influence and pressure.

The armed forces are professional and generally disciplined. They traditionally remain aloof from politics and are firmly under civilian control. The paramilitary gendarmerie and the police are less professional and less disciplined. Some members of the security forces, the gendarmerie, and the police continued to commit serious human rights abuses.

The country is predominantly agricultural with about 70 percent of the labor force engaged in farming; its population is approximately 10 million. Recorded gross domestic product (GDP) per capita is estimated at about \$500 (370,000 CFA francs), but this excludes a large informal economy. Since the devaluation of the CFA franc in 1994, the Government has implemented a series of economic policy reforms to enhance competitiveness by dismantling monopolies, liberalizing markets, and privatizing several state-owned industries. Recorded GDP per capita has grown at an average rate of approximately 5 percent per year since 1995. Exports account for about one-third of recorded GDP and are led by fish and fish products, phosphates and fertilizers, tourism, and peanuts. The Government continued to receive external assistance from international financial institutions and other sources, and such assistance represents approximately 32 percent of the national budget.

The Government generally respected the rights of its citizens in some areas; however, there were serious problems in other areas. Free and fair presidential elections in 2000, in which the opposition candidate won, ended the Socialist Party's 40-year domination of political life. In January the new Constitution abolished the Senate, which had no members directly elected by voters and one-fifth of the members were appointed by the President. Government forces reportedly were responsible for extrajudicial killings, including some civilian deaths. Police tortured and beat suspects during questioning and arbitrarily arrested and detained persons. Prison conditions were poor. The Government infrequently tried or punished members of the military, gendarmerie, or police for human rights abuses. Human rights advocates and nongovernmental organizations (NGO's) reported a decrease in arbitrary arrests and disappearances in connection with the Casamance insurgency. Lengthy pretrial detention was a problem. The judiciary was subject to government influence and pressure and suffers from low salaries and insufficient resources. The Government limited freedom of speech and of the press. There were some instances in which the Government limited freedom of assembly. In April 2000, the Government announced the establishment of a Human Rights Office in the President's office to investigate complaints filed by individuals regarding human rights violations. In September the Government

named a Human Rights Commissioner to head the office; however, the decree appointing her was not signed by year's end. Domestic violence and discrimination against women, female genital mutilation (FGM), and child labor remained problems. There were reports of trafficking in persons. Mob violence also was a problem.

Rebel MFDC forces reportedly were responsible for killings, torture, and rape.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports of political killings by government officials; however, government forces reportedly were responsible for extrajudicial killings, including some civilian deaths. The incidence of violence in the Casamance region increased during the year, particularly in June and July, and reportedly resulted in some deaths. The military zone commander for the Casamance region made an effort during the year to reduce the number of human rights abuses committed by security forces under his command (see Section 1.d.). During the year, the press continued to report on frequent small arms attacks, raids, ambushes, and clashes with military forces by suspected MFDC gunmen, with continuing military and civilian fatalities.

On January 31, police shot and killed one student while forcibly dispersing a demonstration at the University of Dakar; the Government appointed a commission to investigate, and a police officer subsequently was arrested (see Section 2.b.).

In three separate incidents in February and March, landmine explosions killed three soldiers in military vehicles in Casamance. In September two civilians died when their vehicle drove over a landmine 4 miles from Ziguinchor. On September 8, two persons were killed a landmine exploded in the Casamance area.

According to Amnesty International, in January 2000, near Nyassia military barracks, government security forces executed Momany Tendeng. Amnesty International also reported allegations that government forces executed Daniel Sambou and Denis Sambou in March 2000 and forced civilians to bury them. A government investigation reportedly was ongoing at year's end.

No investigation or other action was taken in the 1999 case in which security forces in the department of Bigona shot a young man mistaken for a rebel.

On February 16, suspected MFDC gunmen stopped four buses carrying civilians in Sediou district and stole their belongings. The gunmen then forced 14 bus passengers to lie down on the ground and shot and killed them. On March 2, rebels attacked a passenger bus close to the village of Belaye, near the border with the Gambia, robbed passengers, and killed seven of them.

On many occasions, vigilante groups and mobs lynched suspected thieves. This type of mob violence generally was unpunished in the past; however, on several occasions during the year, police arrested instigators of mob violence. In January two persons were convicted of killing a suspected criminal (see Section 1.d.).

b. Disappearance

There were no reports of politically motivated disappearances during the year.

According to Amnesty International, in March 2000, government security forces in Kabrousee arrested Jean Dacougna, a 40-year-old man with mental disabilities. The man remained unaccounted for, and there reportedly was no investigation into his disappearance by year's end.

In September 2000, a group of Casamance professionals helped family members of two missing persons, Alexis Etienne Diatta and Jean Diandy, file legal complaints against security forces for abduction. The families of both Diatta and Diandy reported the disappearances to civilian authorities, who were unsuccessful in finding either person. Government investigations into both disappearances reportedly were underway; however, no information on the progress of the investigations was available by year's end.

In 1999 there were several credible reports of disappearances in connection with the conflict in the

Casamance. In its 1999 annual report, the African Assembly for the Defense of Human Rights (RADDHO) accused security forces of responsibility for the disappearance of seven civilians in June, and three suspected rebels in April of that year (see Section 1.d.). These persons remained unaccounted for at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There are credible reports that police and gendarmes often beat suspects during questioning and pretrial detention, in spite of constitutional prohibitions against such treatment, and the problem remained a serious public concern. Unlike in the previous year, there were no press reports of torture perpetrated by the police.

On January 31, police used tear gas to disperse forcibly a student demonstration at the University of Dakar; there were no reported injuries but one student was shot and killed (see Section 2.b.).

Despite stronger legal provisions against torture put in place in 1997, those cases that are pursued often take years before a final judgment is reached.

On February 7, in the village of Sare Dembo Diao, close to the border with Guinea-Bissau, a group of 23 suspected MFDC rebels captured and reportedly tortured local herdsman Abdoulaye Mballo to reveal information concerning the position of government security forces. The rebels allegedly struck Mballo repeatedly with their rifle butts before cutting off his left ear.

In 2000 a panel of judges in the Court of Criminal Appeals dropped charges of torture and complicity in crimes against humanity made against former Chadian president Hissene Habre, arguing that the court has no jurisdiction in the case. Attorneys representing the coalition of human rights organizations that initiated the lawsuit appealed the decision before the Court of Final Appeals. On March 20, the Court of Final Appeals upheld the lower court's ruling, which closed the case in Senegal.

Prison conditions were poor. Prisons remained overcrowded, and food and health care were inadequate; however, there have been no reports of deaths in prison as a result of these conditions. Juveniles are housed separately from adults. Pretrial detainees usually were held separately from convicted prisoners, as required by law; however, on occasion pretrial detainees were detained with convicted prisoners due to limited space.

The Government permits prison visits by independent human rights monitors. Local and international human rights groups such as RADDHO, the National Organization for Human Rights (ONDH), the International Committee of the Red Cross, and the International Prison Observatory occasionally visit prisons.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, the authorities at times arbitrarily arrested and detained persons.

The law specifies that warrants, issued by judges, are required for arrests; however, laws also grant the police broad powers to detain prisoners for lengthy periods. Police officers may hold without charge a person suspected of a crime for 48 hours after arrest and for up to 96 hours if ordered by a public prosecutor. This period may be doubled in the case of crimes against the security of the State. The prosecutor decides whether to forward the case to an investigating judge who may open an investigation. At this point, the suspects are charged preliminarily and may be held or released on their own recognizance. During the initial 48 hours of detention the accused has no access to family or an attorney, but has the right to demand a medical exam. The accused has the right to an attorney after this initial period of detention. There is a system of bail, but it rarely was used. The accused may be held in custody for 6 months, and the investigating magistrate can certify that an additional 6-month extension is required. Such extensions may be reviewed by a court on appeal. Judges have the right to order release pending trial without the prosecutor's consent.

Police rarely are prosecuted for violations of arrest and detention procedures, and the authorities may detain a prisoner for long periods of time while they investigate and build a case against a suspect. The authorities routinely hold prisoners in custody unless and until a court demands their release. Despite the 6-month limitation on detention, the time between the charging phase and trial averages 2 years. In a 1998 effort to improve the administration of justice, the Government recruited 48 law school graduates to be trained as magistrates over a 2-year period. In 1999 approximately 90 graduated judges were assigned to different courts nationwide, which allowed for the opening of judicial districts in all 30 administrative districts and access to the judicial system by citizens in the countryside. There were reports that the initiative resulted in faster trials, particularly outside the Dakar area; however, no statistics were available by year's end.

On August 18, the Government's Division of Criminal Investigation questioned for several hours Alioune Tine, the head of RADDHO; no formal charges were made against him (see Section 2.a.).

On January 22, the Dakar criminal court sentenced two members of a vigilante group to 5 years' hard labor. In 1997 the defendants broke into the house of a suspected criminal, and then abducted and beat him to death.

The military zone commander for the Casamance region made an effort during the year to reduce the number of human rights abuses committed by security forces under his command, and human rights NGO's confirmed that there were significantly fewer complaints of arbitrary arrests, lengthy detention, and abuse during detention; however, there were no statistics available at year's end.

Human rights NGO's in Casamance reported a decrease in the number of detentions of suspected MFDC rebels reported by local families; however, in January Amnesty International reported that 30 MFDC sympathizers remained in detention in Dakar and Kolda without trial. According to Amnesty International, the sympathizers were arrested in 2000 because of their Diola ethnic origin; they were charged with compromising state security, but no evidence was provided of their involvement in any acts of violence. Following the signing of a peace accord with the MFDC on March 16, on March 19, the Government released 16 of these prisoners; the remaining 14 prisoners remained in detention at year's end.

Following fighting in the Casamance in 1999, the military rounded up 15 persons with Diola names on suspicion of involvement with the MFDC. All but three of these prisoners were released within 4 days; however, those three remained unaccounted for at year's end.

In January 1999, the National Assembly passed legislation to eliminate the law that held "acts or maneuvers aimed at casting discredit on government institutions" as criminal offenses punishable by imprisonment of 3 to 5 years and a fine of up to \$2,500 (1.5 million CFA francs); the legislation later was implemented. Legal experts considered this provision to be a legal instrument that the Government could use to jail political dissenters. On a few occasions in the past, the Government had jailed opposition leaders under this provision, apparently on the basis of their political activities.

The Constitution prohibits forced exile, and it is not used.

e. Denial of Fair Public Trial

The Constitution provides for a judiciary independent of the executive, the legislature, and the armed forces; however, in practice it is subject to government influence and pressure. Magistrates are vulnerable to outside pressures due to low pay, poor working conditions, and family and political ties. Also, the Minister of Justice and subordinate authorities have extensive authority to influence judicial procedures by keeping the accused in pretrial detention.

The legal system is based on French civil law and is composed of ordinary courts and a number of higher and special courts, including the Council of State, the Constitutional Council, and the Court of Final Appeal. These courts remain understaffed, and many of the special courts, including the one that deals with unlawful enrichment and other courts that try government officials for treason and malfeasance, are dormant. Muslims have the right to choose customary law or civil law for certain civil cases, such as those concerning inheritance and divorce. However, customary law decisions are rendered by civil court judges. There is a separate system of military courts for members of the armed forces and the gendarmerie. The right of appeal exists in all courts except military courts and the special Unlawful Enrichment Court. Military courts may try civilians only if the civilians are involved with military personnel who violate military law.

In principle the accused is innocent until proven guilty. Trials are public, and defendants have the right to be present in court, to confront witnesses, to present evidence, and to have an attorney. However, some defendants are denied legal assistance at public expense due to a lack of funding. Evidentiary hearings may be closed to the public and the press, but the defendant and counsel have access to all evidence presented and may introduce their own evidence before the investigating judge decides to refer the case to the prosecutor for trial. A panel of judges presides over ordinary courts for both civil and criminal cases; in criminal cases, citizens also serve on the panel.

The Minister of Justice has taken steps to eliminate the backlog of cases in the judiciary system. In 2000 the Government adopted legislation for the appointment of judges in charge of monitoring the implementation of court decisions and for the establishment of alternative justice mechanisms, including a "maison de la justice" to be staffed by voluntary jurists--usually retired judges or attorneys. However, by year's end, local governments reportedly did not have the resources to implement the system mandated in the legislation.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits arbitrary invasion of the home, and there was little government interference in the private lives of citizens. The law requires search warrants, and only judges may issue them. In past years, during high profile or politically charged investigations, police often proceeded without the required search warrants; however, there were no reports of this during the year.

MFDC rebels sought to extort supplies and money from civilians. On several occasions during the year, MFDC rebels stopped passenger buses and robbed passengers (see Section 1.a.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, at times it imposed some limits on these rights. Prior to 1999, the law prohibited the press from the expression of views that "discredited" the Government incited the population to disorder, or disseminated "false news;" however, in 1999 the law was eliminated (see Section 1.d.). A criminal case against three Sud Communication journalists for defamation, which was pending at end of 2000, was dropped early in the year. The Government reportedly filed such lawsuits to intimidate journalists.

On August 18, the Government's Division of Criminal Investigation questioned Alioune Tine, the head of RADDHO, following his criticism of President Wade's stance on the issue of reparations for slavery. Tine was questioned for several hours but no formal charges were made against him.

A broad spectrum of thought and opinion is available to the public through regularly published magazines and newspapers, including foreign publications. Political and economic views expressed in the independent press often are critical of the Government and its programs. While publishers are required to register prior to starting publication, the Government routinely approved such registrations.

In December 2000, the Government issued a general warning to the national press that the dissemination of communications from the MFDC would be considered attempts to derail the Casamance peace process and would be prosecuted under the Penal Code. On the same day, the publisher and managing editor of the newspaper Le Populaire were summoned and interrogated for 7 hours by the criminal investigation division after the newspaper published a review of the 19-year-old Casamance conflict; 3 days later, they were arrested and then released on the same day after being charged with "disseminating false news and undermining public security." In January the cases were dropped.

On January 22, the Division of Criminal Investigation interrogated a columnist and the publisher of the independent daily newspaper, L'Info 7, in connection with a lawsuit filed by the Prime Minister in December 2000. Following reports of differences between the President and Prime Minister on constitutional reform, L'Info 7 published a draft of the constitution with handwritten comments, speculating that the comments were those of the Prime Minister. The Prime Minister's office dropped the lawsuit in February.

On July 10, police summoned to their headquarters Alioune Fall, editor-in-chief of Matin newspaper, on charges of reporting false news. Following the escape of a well-known convict, Fall reported that there was discontent in the police force after the case was assigned to the gendarmerie. On August 17, he was charged formally with disseminating false news and released pending trial at year's end.

In December Reporters Without Borders protested the mistreatment of two journalists who were covering a December 11 demonstration by former peacekeepers who served in the Democratic Republic of the Congo. Military authorities reportedly announced that they intended to prevent the media from covering the protest; however, the demonstrators dispersed voluntarily following negotiations with military authorities.

Radio, being relatively inexpensive, remained the most important medium of mass information and the main source of news for citizens outside urban areas. Six privately owned radio stations broadcast within the country; of these, citizens own five. There also are three international stations that rebroadcast within the country. All of the locally owned stations broadcast national news and political commentary. Some of them often were critical of the Government; no harassment was reported.

A government monopoly controls local television, an important source of news. While there are no privately owned domestic television stations, French-owned pay television was available but offered no local news.

In September the Minister of the Interior (MOI) halted the screening of a Karmen Gei, a film version of the classic opera Carmen, following a day-long sit-in protest by members of the Mouride Islamic brotherhood, who criticized the film as blasphemous. Members of the brotherhood, some armed with clubs, gathered outside a cinema in Dakar and demanded the withdrawal of the film. Police and gendarmes were present at the cinema, and no acts of violence occurred. In response to the Mouride protest, the Minister of Culture promised to review the film and reconstitute the Censoring Commission; however, by year's end, a decree to reconstitute the Censoring Commission had not been promulgated.

At year's end, at least 10 Internet service providers operated in the country. The Government did not restrict access to the Internet. A personal account with unlimited access time cost approximately \$18 (10,000 CFA francs) per month. Several cybercafes in the capital city, Dakar, provided short-term access to the Internet that was used by many persons unable to afford personal accounts.

The Government generally respects academic freedom; however, student meetings on part of the campus of the University of Dakar are banned informally (see Section 2.b.), ostensibly to prevent militant student groups from disrupting classes and studies. On January 31, police forcibly dispersed students demonstrating about conditions at the University (see Section 2.b.).

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly, and while the Government generally respected this provision in practice, there were a few instances in which the Government limited this right. The Government required prior authorization for public demonstrations, which it usually granted. Meetings by students on the academic campus of the University of Dakar are prohibited by university authorities, but this prohibition did not extend to the dormitory areas of the campus.

On January 31, police forcibly dispersed a student demonstration at the University after students began protesting university conditions, such as the cost of meals and the number of government scholarships. The MOI reported that the police officers were unarmed and instructed to only use tear gas; however, reporters and students at the scene stated that they heard shots fired. One student was shot and killed. Following extensive media coverage, the Government appointed a commission, whose members included human rights activists, to investigate the incident. In October the commission completed its report, and a police officer was arrested; he remained in detention pending trial at year's end.

While in past years, the Government frequently denied authorization or forcibly dispersed peaceful marches by the opposition, there were significantly fewer such incidents during the year. However, in October the Government denied authorization for two marches planned by members of Senegalese Islamic associations. The marches were intended to protest U.S. military action in Afghanistan following the September 11 terrorist attacks.

The Constitution provides for the right of association, and the Government generally respects this provision in practice. Citizens who wish to form associations must register with the MOI. Business-related associations register with the Ministry of Commerce. By law and in practice, the MOI must register such groups as long as the objectives of the association are stated clearly and they do not violate the law.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

Religious organizations can receive direct financial and material assistance from the Government. While there is no official system of government grants, the importance of religion in society often results in the Government providing grants to religious groups to maintain their places of worship or undertake special events. The Government also provides funds through the Ministry of Education to schools operated by religious institutions that meet national education standards. In practice Christian schools, which have a long and successful experience in education, received the largest share of this government funding.

Any group--religious or other--that wants to form an association with legal status must register with the MOI in accordance with the civil and commercial code. Registration, which generally is granted, enables an association to conduct business, including owning property, establishing a bank account, and receiving financial contributions from any private source. Registered religious groups, like all registered nonprofit

organizations, also are exempt from many forms of taxation. The Minister must have a legal basis for refusing registration. There were no reports of any applications for such registration being delayed or denied during the year.

The Government monitored foreign missionary groups, and religious and nonreligious NGO's, to ensure that their activities coincide with their stated objectives. In the past, the Government expelled groups from the country when their activities were judged to be political in nature and a threat to public order; however, there were no reports that any foreign religious groups were asked to leave the country during the year.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respects them in practice. Some public employees, including teachers, are required by law to obtain government approval before departing the country, although this was not enforced regularly in practice.

At times, usually during sweeps for MFDC rebels, the security forces temporarily restricted access to the Casamance region or areas within it. The security forces also regularly maintained checkpoints in the Ziguinchor region to screen for MFDC rebels and arms transports. Security forces generally allowed travelers to proceed after checking documents and searching vehicles. Unlike in the previous year, citizens in the Kolda and Ziguinchor regions did not close the border with Guinea-Bissau for several days to protest the Government's failure to provide adequate security.

On January 17, immigration police at Dakar airport denied Samuel Sarr the right to enter the country. A dual national of Senegal and the Gambia, Sarr left the ruling Senegalese Democratic Party (PDS) to join an opposition party. On January 18, the authorities confiscated his passport and questioned him for 7 hours. On January 22, officials returned Sarr's passport and allowed him to enter the country.

Following several violent attacks perpetrated in 2000 by suspected MFDC separatists from neighboring Guinea Bissau, more than 2,600 civilians from the rural communities of Tankato Escale and Sare Yoba, including women, elderly people, and children, fled from their homes and sought refuge in the region of Kolda, where they received government resettlement assistance.

According to the U.N. High Commissioner for Refugees (UNHCR), between June 3 and 6, approximately 1,400 civilians fled the country to the Gambia following clashes between government security forces and MFDC rebels in the Seliya area of northern Casamance. The UNHCR reported that 70 percent of these refugees returned to their villages by June 8. In June and July, 748 Casamance refugees returned home from Guinea-Bissau as a part of a voluntary repatriation program supported Veritas, a Catholic NGO. The numbers of refugees outside the country fluctuates according to the level of violence in the Casamance region; at year's end, it was estimated that several thousand refugees remained outside the country, mostly in the Gambia and Guinea-Bissau.

The law provides for the granting of refugee or asylum status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the UNHCR and other humanitarian organizations in providing assistance for refugees. Since 1989 the country has hosted Mauritanian refugees as a country of first asylum. While no formal repatriation agreement exists with the UNHCR, the two governments have cooperated to permit repatriation for several years. The UNHCR reported no significant protection problems for these refugees; however, it continued to provide protection services. Mauritanian refugees generally lived in dispersed locations along the length of the Senegal-Mauritania border and were allowed free movement within the country. However, most of these refugees were unable to obtain current refugee documents from the authorities and sometimes encountered administrative difficulties when using their expired refugee application receipts issued in 1989. Due to the lack of a formal and supervised repatriation, and in the absence of an up-to-date registration program, the exact number of remaining Mauritanian refugees is difficult to establish. The UNHCR estimates that under 30,000 refugees remain in the country.

Several hundred Guinea-Bissauan refugees chose to remain in the country, living with relatives or on their own.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the constitutional right to change their Government through periodic multiparty elections, and

they exercised this right during the February and March 2000 presidential election that ended the Socialist Party's 40-year domination of political power. After 26 years in opposition, Abdoulaye Wade, backed by a coalition of opposition parties, defeated incumbent President Abdou Diouf in what was considered to be a free and fair election, marred only by reports of sporadic pre-election violence and minor procedural irregularities. In the January national referendum, 94 percent of voters accepted the new Constitution, which abolished the Senate. Created by the previous Government in 1998, this second legislative chamber, in which no members were elected directly by the citizenry and one-fifth of the members were appointed by the President, reduced the ability of citizens to change their Government and increased the presidency's domination of the State.

In addition to eliminating the Senate, the new Constitution reduced the number of National Assembly seats from 140 to 120. There are 65 legally registered parties.

On April 29, President Wade's coalition earned 49.6 percent of the vote and 89 of 120 seats in the National Assembly elections. International and national observers characterized the elections as free and transparent. Voter participation in the election was 67.41 percent of registered voters. Unlike during the 2000 elections, there were no incidents of violence during the April legislative elections.

The 2000 electoral process was marked by minor irregularities such as the illegal issuance of birth certificates to Socialist party supporters in Keur Madiabel by a judge in the district court in Kaolack. Following a complaint filed by the National Observatory of Elections (ONEL), the documents were cancelled. ONEL also noted that national identity card applications were processed illegally in some instances. Access to personal identification cards was an important issue in the election, since they are necessary to vote. No such incidents were reported in the April legislative elections.

Elections are held by balloting that is described officially as secret but may permit voters to leave the polling place with evidence of how they voted. Nevertheless, despite apparent potential for abuse, this balloting system has not been the subject of complaints or reports of abuse in recent elections.

In 1997 the Government created the ONEL to supervise and oversee elections. The ONEL was established as a temporary, independent oversight body empowered to order bureaucrats to obey the law and to take legal action against individuals and parties who violated it. The MOI remains responsible for the actual organization and implementation of the elections, which is done through a directorate of elections. The ONEL significantly improved the level of transparency of the April National Assembly elections, the 1998 National Assembly elections, and the 2000 presidential election, despite persistent flaws in the electoral system. In 2000 the Prime Minister announced the Government's intention to transform the ONEL into a permanent independent electoral commission; however, this had not occurred by year's end.

The percentage of women in government and politics does not correspond to their percentage of the population. Although there are no legal impediments to their participation in government and politics, cultural and educational factors hamper them. In addition political parties often rank women low on party lists, making it difficult for them to be elected to the National Assembly or to be appointed ministers. In March 2000, for the first time in the country's history, the President appointed a woman, Mame Madior Boye, as Prime Minister. However, only 5 of the 24 ministers in the President's Cabinet are women, and there are only 2 women in the 19-member Economic and Social Council, the Government's policymaking body. In 1999 a woman, Marieme Wane Ly, formed and headed a political party for the first time. Only 19 female deputies hold seats in the 120-member National Assembly.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and receptive to their views.

On August 18, the Government's Division of Criminal Investigation questioned for several hours Alioune Tine, the head of RADDHO (see Section 2.a.).

In 1997 the Government enacted a law to strengthen the National Committee on Human Rights. The Committee includes members from the Government and civic organizations, including private human rights groups. On its own initiative, it may investigate human rights abuses, including torture; however, it did not investigate any cases of abuse during the year.

In April 2000, the Government announced the establishment of a Human Rights Office in the President's office

to investigate complaints filed by individuals regarding human rights violations. The office had not begun to function by year's end, although it reportedly received numerous letters detailing human rights violations. In September the Government named a Human Rights Commissioner to head the new office; however, the decree appointing her was not signed by year's end.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution states that "men and women shall be equal in law" and prohibits discrimination based on race, religion, sex, class, or language. However, discrimination against women is pervasive, and the Government frequently does not enforce antidiscrimination laws.

Women

There are credible reports that domestic violence against women, usually wife beating, is common. According to a study funded by the Canadian Center for International Research and Development (CECI) focusing on the capital Dakar and on the city of Kaolack, 87 percent of 515 women interviewed had suffered from some form of domestic violence. The study also showed that domestic violence was more widespread in Dakar than in Kaolack. Police usually do not intervene in domestic disputes, and most persons are reluctant to go outside the family for redress. In contrast the law and society view rape as a very serious crime, and the law stipulates that persons convicted of rape may be imprisoned for up to 10 years. If the victim is a minor, her age is considered an aggravating circumstance. Rape trials often result in convictions. According to the criminal law, sexual harassment is a crime punishable by imprisonment of up to 3 years and a fine of \$650 (500,000 CFA francs). The legislation also increased the potential fine for domestic violence to \$650 (500,000 CFA francs) and the length of imprisonment for domestic violence to 5 years. Several women's groups have formed to address this problem.

On September 8, supporters of women's rights marched through Dakar to protest violence against women and the impunity with which these acts are carried out. Vivian Wade, the wife of the President, was among the demonstrators.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is not practiced by the country's largest ethnic group, the Wolofs (representing 43 percent of the population), but it is performed on girls belonging to some other ethnic groups. Infibulation, the most extreme and dangerous form of FGM, is practiced by members of the Toucouleur and Peulh ethnic groups, particularly those in rural areas. Recent studies estimated that between 5 and 20 percent of girls undergo FGM.

In 1999 the Government passed legislation banning FGM. The law made FGM a criminal offense, carrying a jail term ranging from 6 months to 5 years for persons directly practicing FGM or ordering it to be carried out on a third person. Most human rights organizations considered the law to be a decisive step towards greater protection of women. However, a few women's rights activists criticized the new legislation because they perceived it as being dictated by Western donors. A few Muslim religious leaders also criticized the law because they consider FGM to be a religious practice. While the Government sponsors programs to educate women regarding the dangers of FGM, other critics of the new law contended that these programs should have been more widespread prior to implementation of the ban.

In April 2000, inhabitants of 26 villages on the Sine Saloum Islands publicly announced their decision to ban the practice of FGM in their communities. The decision was the result of an educational campaign initiated by the Government with the assistance of a number of international and domestic NGO's. Since July 1997, approximately 400 villages nationwide have banned FGM among their inhabitants.

On October 31, in the village of Dabo (Kolda region), 8 persons were convicted and sentenced to 4-month prison terms for the excision of 18 girls between the ages of 2 and 5. On November 24, in Velingara (Kolda region), a mother of two and an FGM practitioner were arrested for the October excision of the mother's two daughters; trials for the two women were pending at year's end.

Despite constitutional protections, women faced extensive societal discrimination, especially in rural areas where Islamic and traditional customs, including polygyny, and Islamic rules of inheritance are strongest, and women generally were confined to traditional roles. By law women have the right to choose when and whom they marry; however, in some areas, traditional practice can restrict a woman's choice. The minimum age of consent to marry is 21 for males and 16 for females. Under certain conditions, a judge may grant a special dispensation to a person under age. The law was not enforced in some communities, where marriages occasionally were arranged. Under family law, women may or may not consent to polygynous unions when

contracting a marriage; however, once in polygynous unions women do not have the right of notification or approval prior to a subsequent marriage. In the countryside, women performed much of the subsistence farming and child rearing and have limited educational opportunities. Although the Government has committed itself to equalizing male and female primary school enrollment, there still was much social discrimination against allowing women educational opportunities. Only 23 percent of women over 15 years of age are literate, while the rate for men over age 15 is 43 percent.

It is estimated that only 20 percent of women are engaged in paid employment. Moreover traditional practices make it difficult for women to obtain bank credit. Due to the fact that legally men are considered heads of household, women pay higher taxes than men for equal wages, and employers pay child allowances to men and not women. Women usually marry young (the majority by age 16 in rural areas) and average 5.7 live births (down from 7 in 1995). Approximately half of all women live in polygynous unions.

In urban areas, women encountered somewhat less discrimination and were active in government, political life, the legal profession, and business. Approximately 14 percent of lawyers were women. Urban women were more likely to take advantage of the Government's efforts to increase respect for women's legal rights to divorce, alimony, and child support, and to seek education and employment. In general urban women received equal pay for equal work.

Children

The Ministry of Family and Infancy, formerly the Ministry of Family, Social Action, and National Solidarity, established in 1990, is responsible for promoting children's welfare. Numerous organizations assist the Ministry in support of children's rights, including the Ministry of Health, which maintained a nationwide effort focusing on child survival. The Government continued to increase the number of classrooms and encourage more children, particularly females, to enter and stay in school. The law requires that all children attend school until age 12, but this is not enforced due to a shortage of schools; 68 percent of boys and 55 percent of girls are enrolled in school. Organized street begging by children who are Koranic students results in a significant interruption of their education, and many children work in their family's fields (see Section 6.d.).

FGM is performed primarily on girls (see Section 5, Women).

In 1999 the Government passed a law mandating longer jail terms of up to 10 years for convicted pedophiles.

Persons with Disabilities

There are no laws that mandate accessibility for persons with disabilities, and in practice most persons with disabilities generally were unable to participate in many occupations due to physical barriers and a lack of equipment and training opportunities.

In 2000 the Council of State (the country's highest administrative court) ruled on an antidiscrimination lawsuit filed in 1999 by the National Association of Disabled People (ANHMS) against the regional educational board in the eastern province of Tambacounda. The board had refused to hire a candidate with physical disabilities who had passed a recruitment test, on the grounds that persons with physical disabilities were not qualified for the job of teaching. The court overruled the board's decision on the grounds that a physical disability did not represent a valid legal ground for barring a person from teaching.

National/Racial/Ethnic Minorities

The country is ethnically diverse. The largest ethnic groups are the Wolof (more than 40 percent of the country's population), the Pular (also called Peuhl or Fulani, nearly 25 percent), and the Serer (more than 15 percent). Other smaller groups include the Diola, Mandingo, and Soninke. Each group has its own primary language, although French and Wolof are used widely as secondary languages. Wolof is the country's primary language. While general regions of origin can be identified for most ethnic groups, these regional separations no longer are distinct.

In most of the country, ethnic and regional tensions have not contributed significantly to human rights abuses, and opposition to the Government generally has taken the form of nonviolent political parties that have not had readily identifiable ethnic or regional bases. However, this has not been true in the Casamance region, the part of the country to the south of The Gambia. Casamance is substantially less arid, less Islamic, and less Wolof than the rest of the country. Resentment on the part of Casamance groups, including the Diola, of domination by northerners, including the Wolof, reportedly has contributed significantly to the secessionist MFDC rebellion in the Casamance region, which began in 1982 and has continued to give rise to many human rights abuses.

(see Sections 1.a. and 1.c.). Flaws in the country's first local and regional elections, held in 1996, have reduced the effectiveness of the Government's ongoing decentralization program.

Section 6 Worker Rights

a. The Right of Association

The Constitution and the Labor Code provide all workers with the right of association, and they are free to form or join unions; however, the Labor Code requires the Minister of the Interior to give prior authorization before a trade union can exist legally.

The International Labor Organization (ILO) continued to call on the Government to ensure that trade unions are not subject to dissolution by administrative authority and to amend the law, which accords power to the Minister to approve the formation of unions. Any group of workers in the same occupation, similar trades, or the same professions may form a union. The Government may disband a union if its activities deviate from its charter. The Labor Code does not apply to the informal and agricultural sectors where most persons work.

Although they represent a small percentage of the working population, unions wield significant political influence because of their ability to disrupt vital sectors of the economy. The small industrial component of the total work force of 4 million was almost totally unionized. The only union in the agrarian sector was one representing workers at a privately owned sugar company. Some farmers were organized into the National Farming Association, an advocacy organization.

The National Confederation of Senegalese Workers (CNTS), the largest union organization, had close ties to the Socialist Party. While ostensibly an independent organization, the umbrella CNTS consistently supported government policies during the Diouf administration.

The rival to the CNTS is the National Union of Autonomous Labor Unions of Senegal (UNSAS). The UNSAS is a federation of strategically important unions such as those formed by electrical workers, telecommunication workers, teachers, water technicians, and hospital, railroad, and sugar workers.

The Constitution and the Labor Code provide for the right to strike, but with restrictions. Unions representing members of the civil service must notify the Government of their intent to strike no less than 1 month in advance, and private sector unions must make a similar notification 3 days in advance. The Government or the employer can use the time to seek a settlement to the dispute through mediation, which usually is provided by the Ministry of Labor; however, the Government or employer cannot stop the strike. Under the Constitution approved in January, the right to strike may not imperil the companies involved; however, this provision was not tested by year's end.

There were no illegal strikes during the year.

The Labor Code permits unions to affiliate with international bodies. The CNTS is active in regional and international labor organizations and was the dominant Senegalese member of the Organization of African Trade Union Unity.

b. The Right to Organize and Bargain Collectively

The law provides unions with the right to organize and to bargain collectively, and these rights were protected in practice. There also were legal prohibitions governing discrimination by employers against union members and organizers. Employers found guilty of antiunion discrimination are required to reinstate workers. There were no known instances in which workers were prevented from exercising the right to organize and bargain collectively. The Ministry of Labor (MOL) can intervene in disputes between labor and management if requested, and it plays a mediation role in the private and state enterprise sectors.

Labor laws apply to all industrial firms including those in the Dakar industrial free trade zone.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, and there were no reports that such practices occurred.

The Constitution prohibits child labor of all kinds, including forced and bonded labor, and the Government

enforced this ban in the formal sector (see Section 6.d.). There were no reports that forced and bonded labor by children took place in the informal or agricultural sectors.

d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution bans child labor of all kinds, and the Government enforced this ban in the formal sector, which was under the purview of the labor law. However, instead of attending school, many children worked in their family's fields.

In 1998 the country began a 3-year program of action to eliminate child labor, the International Program for the Elimination of Child Labor (IPEC). The program was scheduled for completion in December; however, it received additional funding, which allowed it to continue to operate for 2 more years. Under the law, the minimum age for employment is 16 years for apprenticeships and 18 years for all other types of work. Inspectors from the MOL closely monitor and enforce minimum age restrictions within the small formal wage sector, which includes state-owned corporations, large private enterprises, and cooperatives. However, children under the minimum age frequently work in the much larger traditional or informal sectors, such as family farms in rural areas or in small businesses, where the Government does not enforce minimum age and other workplace regulations.

The Constitution prohibits child labor of all kinds, including forced and bonded labor, and there was no evidence that forced and bonded child labor takes place in the informal or agricultural sectors (see Section 6.c.).

e. Acceptable Conditions of Work

The law mandates a monthly minimum wage, and the Ministries of Labor and Finance determined wage rates after negotiating with the unions and management councils. The minimum wage of \$0.37 (223.7 CFA francs) per hour does not provide a decent standard of living for a worker and family.

Within the formal sector, the law mandates a standard workweek of 40 to 48 hours for most occupations, with at least one 24-hour rest period and 1 month per year of annual leave; enrollment in government systems for social security and retirement; safety standards; and a variety of other measures. These regulations are incorporated into the Labor Code and are supervised by inspectors from the MOL. However, enforcement is uneven, especially outside the formal sector.

There is no explicit legal protection for workers who file complaints about unsafe conditions. While there are legal regulations concerning workplace safety, government officials often do not enforce them. In theory workers have the right to remove themselves from unsafe working conditions, but in practice the right seldom was exercised because of high unemployment and a slow legal system.

f. Trafficking in Persons

The law prohibits trafficking in persons; however, there were occasional reports that women were trafficked during the year.

On August 28, authorities stopped 100 young Senegalese women from boarding a charter flight to Libya. One Senegalese and two French nationals of Senegalese origin were arrested and charged with organizing an international prostitution ring. In September authorities questioned them amidst allegations that the young women were being sent to Libya to work as prostitutes. In October the Senegalese national was released on bail, and in November the two French nationals were released on bail; trials were pending for all three at year's end.

In 2000 police arrested a Nigerian citizen who had lured a Nigerian woman to Dakar and confined her in a house with three other Nigerian women. According to the police, the Nigerian man raped and beat the women. No further information was available on the case at year's end.